

DAVID J. WEILAND #160447
Email: dweiland@ch-law.com
STEVEN C. CLARK #181050
Email: sclark@ch-law.com
COLEMAN & HOROWITT, LLP
499 W. Shaw Avenue, Suite 116
Fresno, California 93704
Telephone: (559) 248-4820
Facsimile: (559) 248-4830

Attorneys for Defendant NEIL JONES FOOD COMPANY, dba SAN BENITO FOODS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH VALLEJO, VICTOR ESPERICUETA
and CHRISTOPHER JONES on behalf of
themselves and all others similarly situated

Plaintiffs,

vs.

THE NEIL JONES FOOD COMPANY, dba
SAN BENITO FOODS

Defendant.

THE NEIL JONES FOOD COMPANY, dba
SAN BENITO FOODS

Cross-Complainant,

v.

SUNNYSLOPE COUNTY WATER
DISTRICT, a proprietary entity; ROES 1 – 10,
inclusive,

Cross-Defendants

Case No.: 5-24-cv-06835-NW

**DECLARATION OF STEVEN C. CLARK
IN RESPONSE TO ORDER TO SHOW
CAUSE**

Date: July 28, 2025

Time: 9:00 a.m.

Courtroom.: 3

The Honorable Noël Wise

I, Steven C. Clark, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Coleman & Horowitz, LLP and am counsel of record for Defendant The Neil Jones Food Company dba San Benito Foods in the present action.

2. I have personal knowledge of the facts set forth herein, and if called to testify as

1 a witness, I could and would competently testify thereto. I make this declaration as counsel for
 2 The Neil Jones Food Company dba San Benito Foods in response to the Court's Order to Show
 3 Cause.

4 3. For the Court's convenience, I have divided this declaration into various parts,
 5 each pertaining to a specific factual area.

6 **Attorney Experience**

7 4. I have been licensed to practice law in California since 1995.

8 5. During my more than 25 years of experience, my practice has generally focused
 9 on representing parties in civil litigation matters. I have tried over a dozen matters to verdict,
 10 including matters involving contractual and tort claims.

11 6. I have, to my knowledge, never been accused of illegal or otherwise unethical
 12 conduct in connection with the practice of law. I have never had disciplinary charges filed against
 13 me by the California State Bar or any disciplinary body associated with any federal district court.

14 **The Motion to Dismiss**

15 7. On April 7, 2025, I filed a Motion to Dismiss/Motion to Strike on behalf of my
 16 client, Defendant The Neil Jones Food Company dba San Benito Foods.^{1 2}

17 8. Before filing that motion, I researched the relevant issues and arguments that
 18 would support a motion to dismiss/motion to strike, and saved those materials into an electronic
 19 file for future use. That file included, among other things, materials related to the *Gutierrez v.*
 20 *C&H Sugar, Inc.* matter.

21 9. Thereafter, I instructed a senior paralegal in my office with significant experience
 22

23 ¹ In the Court's Order to Show Cause, the Court expresses confusion as to my filing a motion to
 24 dismiss, answer, and cross-complaint at effectively the same time. I mistakenly believed that
 25 doing so was necessary to preserve certain arguments, and to prevent waiver, but I recognize in
 hindsight that doing so was not required and caused unnecessary confusion.

26 ² I acknowledge the Motion to Dismiss was filed Monday, April 7, 2025, one day after the
 27 Sunday, April 6, 2025, deadline to do so. I had considered items scheduled for Sunday often
 28 being moved to Monday, but I did not recognize the "on or before" language in the order and,
 regardless, I filed without obtaining the appropriate permission from the court. This was
 absolutely my fault and I apologize. There was no disrespect intended to the Court or the other
 parties, and I acknowledge I absolutely did not handle it properly.

1 in preparing initial draft pleadings and motions in state and federal court to prepare the first draft
 2 of the motion for my review. I specifically directed the paralegal to review the materials I had
 3 compiled in an electronic research file to aid in the preparation of the motion. The paralegal
 4 prepared the motion and provided the initial draft of motion to me for my review.

5 **No Intent to Deceive the Court**

6 10. Once drafted, I read and reviewed the draft motion. In doing so, I did not observe
 7 anything in the draft that would lead me to believe any part of the draft had been copied and
 8 pasted from another filing. I believe the only (primary) way I would have learned this would
 9 have been to review the brief alongside the brief filed in *Gutierrez*, which I did not do because I
 10 had no reason to believe sections of the *Gutierrez* brief were copied verbatim into the draft brief.
 11 Although I had reviewed the *Gutierrez* motion when preparing the research file, I had done so
 12 only briefly and was not familiar enough with it to have recognized the similarities between the
 13 *Gutierrez* motion and the subject brief.³ Nor did I observe that any part of the brief lacked proper
 14 citations. After reviewing and approving the brief, I instructed my assistant to finalize and file it
 15 with the Court.

16 11. I understand now that excerpts from the *Gutierrez* brief were copied and pasted
 17 into the brief that I filed with the Court. **This occurred because I failed** to provide adequate
 18 instruction and supervision. **I take full responsibility for the impropriety of the filing.**

19 12. In retrospect, I acknowledge I did not adequately instruct and supervise the
 20 paralegal assigned to prepare the motion. Although I did not instruct or otherwise suggest to the
 21 paralegal that the paralegal copy and paste excerpts of the *Gutierrez* brief *verbatim*, I should have
 22 specifically instructed that any work product from another filing or brief must be appropriately
 23 cited or credited. In retrospect, by not giving those specific instructions, **I did not provide**
 24 **sufficient instruction, guidance, and supervision. Further, the decision to file the brief in**

25 _____
 26 ³ I provide this explanation **only** to explain how it came to be that the brief I filed included the
 27 offending text and to ensure the Court I had no intent to include text in the brief lacking proper
 28 citations or to purposefully mislead or deceive the Court. This explanation is **not** meant to cast
 blame in any respect on the paralegal that assisted me in preparing this brief. This is an
 explanation, but it is not an excuse as there is no excuse for this. I take full responsibility for the
 preparation of the subject brief and the decision to file it with the Court.

1 its final form was mine and I take full responsibility for that decision. I understand that,
2 by signing the pleading, I was fully responsible for its contents.

3 13. Although the brief included language copied from another law firm's brief, I do
4 not believe the brief misrepresented the law.

5 14. I had no intent to deceive the Court or to pass along anyone else's work as my
6 own. I have never instructed a subordinate to cut and paste from a brief, or to intentionally use
7 text from another source without properly citing it; nor have I ever done so myself. However, I
8 take full responsibility for the impropriety of the subject filing. I recognize now that better
9 handling by me, better staff training, more explicit instructions, and closer supervision are all
10 necessary to fully meet my professional duties.

11 **Proposed Appropriate Sanction**

12 15. The Court ordered me to propose the appropriate sanction in response to the
13 Court's Order to Show Cause. I note that as a result of this situation, I have suffered significant
14 repercussions, including public embarrassment and strain in my professional relationships. Many
15 have read the Court's order related to this matter. I'm sure this order will be reviewed by more
16 people in the future and my poor handling of this matter will follow me. However, in preparing
17 to come before the Court, I did learn that part of the process here, which I have unfortunately
18 become a part of, is to ensure that others do not behave similarly and to that extent, my
19 embarrassment hopefully may serve a valuable ongoing purpose.

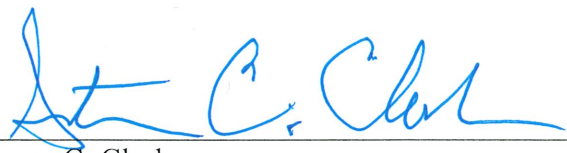
20 16. I am incredibly remorseful. I take the Court's order very seriously, and will be
21 more diligent in terms of instructing and supervising subordinates in the future. For example, I
22 will ensure I take steps to confirm for myself that all lawyers and all non-lawyer staff assisting
23 in preparing filings are properly trained on how to provide proper attribution when citing text
24 verbatim. These steps will include providing specific training on this issue to myself, lawyers,
25 and non-lawyer staff with whom I work. I will also more clearly and directly communicate
26 instructions to subordinates, including specifically ensuring they have had the training necessary
27 to provide support on the tasks that are delegated to them.

28 17. Should the Court nevertheless impose sanctions I respectfully request that those

1 sanctions be **against me, only, and not against my client, Defendant The Neil Jones Food**
2 **Company dba San Benito Foods.** Defendant was not involved in preparing the offending
3 motion. This was my conduct, and I should bear the ramifications for it.

4 I sincerely and deeply apologize to the Court and pledge to dedicate myself to ensuring
5 nothing like this happens again.

6 I declare under penalty of perjury under the laws of the State of California that the
7 forgoing is true and correct, and that I executed this Declaration on July 14, 2025, at Fresno,
8 California.

9 
10 Steven C. Clark